

OPENING STATEMENT FOR EACH GRIEVANCE COMMITTEE HEARING

(The following statement is read by the Presiding Officer as the "Opening Statement" to start appeal hearings before the State Employee Grievance Committee.)

THIS IS THE HEARING OF THE APPEAL OF _____ INSTITUTED BY _____
_____ AGAINST _____ BEING HELD IN COLUMBIA, SOUTH
CAROLINA, THIS _____ DAY OF _____.

A record is being made of the hearing.

For the record, my name is _____ and other members of the State
Employee Grievance Committee present are:

The Committee Attorney is _____

State Employee Grievance and Appeals Regulation 19-718.07 (E) (7) provides that each party shall provide to the secretary a list of representatives and witnesses at the beginning of the hearing. At this time, the secretary will accept representatives and witness lists from both parties.

Appellant is represented by _____

The Employing Agency is represented by _____

Your attention is called to the fact that this hearing will be conducted as informally as is compatible with an equitable presentation of both sides of the case and in compliance with the Administrative Procedures Act. I am the presiding officer of this Committee and it is my duty to take whatever action is necessary to insure an equitable, orderly, and expeditious hearing.

We will be bound by the rules of evidence. The Committee Attorney shall determine the order and relevance of the testimony and the appearance of witnesses, and shall rule on all motions and objections.

The Office of Human Resources has furnished to the members of the Committee a copy of records, reports, and documentation of the earlier proceedings on the grievance. These documents were provided to the Office of Human Resources by the agency and the appellant. These documents will be considered by the Committee as the record on appeal during this hearing and, according to § 8-17-350 of the State Employee Grievance Procedure Act, will now be marked into evidence as Committee Exhibit 1.

The appellant and the agency may, if they so desire, make an opening statement before the presentation of their cases. Then, the appellant may call and examine witnesses from the appellant list of witnesses.

After the appellant has finished, the agency may present its case.

Each side will be given the opportunity at the appropriate time to ask questions of a witness. The presiding officer, any member of the Committee, or the Committee Attorney may direct questions to any party or witness at any time during the proceedings.

Before closing the hearing, the presiding officer will allow both parties to present a brief summary or closing statement if they so desire. The appellant will have the option of closing first or last.

I wish to point out that only testimony and evidence pertinent to the grounds on which the appeal is based or pertinent to the charges on which the agency's action is based will be allowed. Testimony or evidence which is repetitive or cumulative will not be permitted.

Are there any questions by either party?

Witnesses are asked not to discuss this case either before or after testifying until they are excused. This is not intended to preclude the parties from entering into discussion with their respective witnesses. Does any witness not understand this? Witnesses are to remain available after testifying until they are excused by the presiding officer. After the opening statement, witnesses may not remain in the hearing room except when called to testify. Witnesses will be asked to testify under oath. At this time, the secretary will determine which witnesses on the parties' list are present and administer the oath to all those witnesses.

The appellant, the agency, witnesses, or anyone else related to the case are not to discuss the case with any member of the State Employee Grievance Committee before, during, or after the hearing until the final decision is reached and the matter is no longer pending before the Committee. A matter is still considered to be pending before the Committee during the time involved in a request for reconsideration of a Committee's decision or until the time has passed for an appeal to the Administrative Law Court. The only time the case is to be discussed is during the formal hearing procedures.

After hearing this appeal, the Committee will report its finding and decision in writing to the employee and the employing agency within twenty calendar days of the conclusion of the hearing. The decision shall be final in terms of administrative review.

Assisting the Committee is _____

The requirement that written public notice of the time, date, place, and agenda for this hearing has been met.

PURSUANT TO THE FREEDOM OF INFORMATION ACT, IN ORDER FOR THIS COMMITTEE TO GO INTO EXECUTIVE SESSION TO HEAR THIS APPEAL, WE MUST TAKE A VOTE IN OPEN SESSION OF THIS INTENT AND THE REASON WHY. I WILL NOW ENTERTAIN A MOTION THAT THIS COMMITTEE GOES INTO EXECUTIVE SESSION.

(After the Vote - excuse all but the two parties involved and other authorized persons)